



General Assembly

***Substitute Bill No. 5798***

*February Session, 2000*

***An Act Concerning Railroad Trespass Prevention.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 (NEW) (a) As used in this section:

2 (1) "Passenger" means any person who (A) is traveling by train with  
3 lawful authority, and (B) does not participate in the operation of such  
4 train, but does not include stowaways;

5 (2) "Railroad" means any form of nonhighway ground  
6 transportation that runs on rails or electromagnetic guideways,  
7 including (A) commuter or other short-haul railroad passenger service  
8 in a metropolitan or suburban area, and (B) high speed ground  
9 transportation systems that connect metropolitan areas. "Railroad"  
10 does not include rapid transit operations in an urban area that are not  
11 connected to the general railroad systems of transportation;

12 (3) "Railroad carrier" means any individual, firm, copartnership,  
13 corporation, limited liability company, company or association that  
14 provides railroad transportation;

15 (4) "Railroad property" means all tangible property owned, leased  
16 or operated by a railroad carrier, including a right-of-way, track,  
17 bridge, yard, shop, station, tunnel, viaduct, trestle, depot, warehouse,  
18 terminal or any other structure, appurtenance or equipment owned,  
19 leased or used in the operation of any railroad carrier, including a

20 train, locomotive, engine, railroad car or safety device, or work  
21 equipment or rolling stock. "Railroad property" does not include a  
22 railroad carrier's administrative building or offices, office equipment  
23 or intangible property, such as computer software or other  
24 information;

25 (5) "Right-of-way" means the track or roadbed owned, leased or  
26 operated by a railroad carrier that is located on either side of its tracks  
27 and readily recognizable to a reasonable person as being railroad  
28 property or reasonably identifiable as such by fencing or appropriate  
29 signs; and

30 (6) "Yard" means a system of parallel tracks, crossovers and  
31 switches in which railroad cars are switched and made up into trains,  
32 and in which railroad cars, locomotives and other rolling stock are  
33 kept when not in use or awaiting repairs.

34 (b) Any person who, without lawful authority or the consent of a  
35 railroad carrier, knowingly enters or remains upon railroad property  
36 by any act, including, but not limited to: (1) Standing, sitting, resting,  
37 walking, jogging, running, driving or operating a recreational or  
38 nonrecreational vehicle, including, but not limited to, a bicycle,  
39 motorcycle, snowmobile, car or truck; or (2) engaging in recreational  
40 activity, including, but not limited to, bicycling, hiking, fishing,  
41 camping, cross-country skiing or hunting, except for the purpose of  
42 crossing such property at a public highway or other authorized  
43 crossing, shall be guilty of a misdemeanor and shall be fined not more  
44 than two hundred fifty dollars, imprisoned not more than three  
45 months, or both.

46 (c) Any person who, without lawful authority or the consent of the  
47 railroad carrier, rides on the outside of a train or inside a passenger  
48 car, locomotive or freight car, including a box car, flatbed or container,  
49 shall be guilty of a class B misdemeanor and shall be fined not more  
50 than one thousand dollars, imprisoned not more than six months, or  
51 both.

52 (d) This section does not apply to:

53 (1) Passengers;

54 (2) Employees of a railroad carrier, while engaged in the  
55 performance of their official duties;

56 (3) Police officers, firefighters, peace officers or emergency response  
57 personnel, while engaged in the performance of their official duties;

58 (4) Any person entering upon railroad property in an emergency  
59 situation to (A) rescue a person or animal, such as livestock, pets or  
60 wildlife, from harm's way, or (B) remove an object that the person  
61 reasonably believes to pose an imminent threat to life or limb;

62 (5) Any person on the station grounds or in the depot of a railroad  
63 carrier as a passenger or for the purpose of transacting lawful business;

64 (6) Any person, or the family member, invitee, employee or  
65 independent contractor of such person, who enters upon a railroad's  
66 right-of-way for the purpose of crossing at a private crossing site  
67 approved by the railroad carrier to obtain access to land owned, leased  
68 or operated by such person;

69 (7) Any person with written permission from the railroad carrier to  
70 enter upon the railroad property in question;

71 (8) A representative of the Department of Transportation, while  
72 engaged in the performance of official duties;

73 (9) A representative of the Federal Railroad Administration, while  
74 engaged in the performance of official duties;

75 (10) A representative of the National Transportation Safety Board,  
76 while engaged in the performance of official duties.

**TRA Committee Vote:** Yea 21 Nay 3 JFS-LCO

**JUD Committee Vote:** Yea 33 Nay 0 JF

**LM Committee Vote:** Yea 20 Nay 0 JF